

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

In the Matter of the Extradition)
of Gregory Allan Despres,) No. MJ-05-822-MBB
A fugitive from Canada)

EXTRADITION CERTIFICATION AND ORDER OF COMMITMENT

This matter came on for hearing July 21, 2005 pursuant to 18 USC § 3184 following the provisional arrest of the Gregory Allan Despres upon formal request of the government of Canada. Warrants of Arrest have been issued by the Provincial Court of New Brunswick, Canada charging Despres with two counts of First degree Murder, one count of assault with a weapon for which he stands convicted pending sentencing, one count of uttering a threat to cause death or bodily harm for which he stands convicted pending sentencing, one count of failing to appear for scheduled sentencing, all in violation of the Criminal Code of Canada.

The Court, having considered the documentary evidence presented by the United States on behalf of Canada, the evidence introduced on behalf of Canada and Despres, and argument of counsel finds as follows:

1. Criminal charges are pending against the Gregory Allan Despres alleging the crimes of First degree murder (2 counts), a violation of the Criminal Code of Canada, section 235(1), Failure to attend a court proceeding, a violation of section 145(2)(b) of that Criminal Code, Threatening to cause death or bodily harm, a violation of section 264.1(2) of that Criminal Code, Assault with a weapon, a violation of section 267(a) of that Criminal Code. Warrants of Arrest

dated April 25, 27, and 29, 2005, have issued from the Provincial Court of New Brunswick, Canada. The acts upon which the Canadian charges are based, are proscribed as felonies by similar criminal provisions of federal law and law of the Commonwealth of Massachusetts.

2. The crimes with which the subject of these proceedings, Gregory Allan Despres is charged in the Provincial Court of New Brunswick, Canada, are included in the provisions of Article 2 of the Treaty on Extradition between the United States of America and Canada, signed at Washington, DC, on December 3, 1971 (27 UST 983; TIAS 8237), and amended by an exchange of notes signed at Washington, DC, on June 28 and July 9, 1974, and further amended by Protocol signed at Ottawa on January 11, 1988 (1853 UNTS 407), and further amended by Second Protocol, signed at Ottawa on January 12, 2001 ("The Second Protocol"), (together referred to herein as "the Treaty").

3. The subject before this Court, Gregory Allan Despres, is in fact the same individual charged in the Warrants of Arrest and the subject of the request for extradition by Canada.

4. The evidence before the Court establishes probable cause that the subject of these proceedings, Gregory Allan Despres, committed the crimes alleged in the Warrants of Arrest, and the evidence is sufficient, in that probable cause has been established, to sustain the charge for which Canada seeks extradition under the provisions of the Treaty between the United States and Canada.

For the foregoing reasons, this matter is certified to the Secretary of State, together with a copy of all testimony taken before this Court, in order that a warrant may issue upon the requisition of the proper authorities of Canada for the surrender of said Gregory Allan Despres according to the provisions of the Treaty between the United States of America and Canada.

It is further

ORDERED that Gregory Allan Despres is committed to the custody of the United States Marshal, or his authorized representative, to be confined to appropriate facilities and to remain until he is surrendered to Canada pursuant to applicable provisions of Treaty and law. It is further

ORDERED that the attorney for the United States shall obtain transcripts of any testimony presented before the Court and shall deliver forthwith the said transcripts of testimony to the Clerk. The Clerk shall forward to the Secretary of State a copy of this Certification and Order together with transcripts of testimony and copies of documents received as evidence.

ENTERED this 21st day of July, 2005

Marianne B. Bowler
United States Magistrate Judge
District of Massachusetts
Boston, Massachusetts

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**SUBMISSION OF PROPOSED CERTIFICATION OF
EXTRADITABILITY AND ORDER OF COMMITMENT**

The United States, by and through Michael J. Sullivan, and Aloke S. Chakravarty, Assistant United States Attorney for the District of Massachusetts, hereby submits a proposed Certificate of Extraditability and Order of Commitment.

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By: /s/ ALOKE CHAKRAVARTY
Aloke S. Chakravarty
Assistant United States Attorney
(617) 748-3658

Dated: July 21, 2005